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IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATISGARH)

W. P. NO. 90/03 OF 2002

PETITIONERS

1. Krishna Kumar Sharma, S/o Madhav Prasad Sharma,aged aged about 37 years, R/o Vill. & Post Kishanpur, District Surguja (Chhattisgarh)

2. Abhimanyu Patel, S/o Shri Akhilok Prasad Patel, aged about 36 years, R/o Village Bhagwanpur, P.O.Bartikalan, Distt. Surguja (Chhattisgarh)

3. Ambu Lal Shukla, S/o Shri Jagdish Prasad Shukla, aged about 35 years, R/o Village Semra, Post Office - Kheir District Rewa (M.P.)

4. Pramod Kumar Sinha, S/o Umesh Prasad Sinha, aged about 36 years, R/o Village Pachira, Post Office Surajpur Distt. Surguja (Chhattisgarh)

P.R. No. 3043/02
Presented by Shri Parit Singh
dated 20/12/02

20/12/02

VERSUS

RESPONDENTS

1. State of Chhattisgarh through the Secretary, Department of Agriculture, Mantralaya, Dau Kalyan Singh Bhawan, Raipur Chhattisgarh.

2. Commissioner and Managing Chhattisgarh Rajya Krishi Vipanan Board, Raipur (C.G)

3. The Director, Mandi Board Chhattisgarh, Raipur (C.G.)

4. Krishi Upaj Mandi Samiti Through its Secretary Suraj pur, District Surguja (C.G.)

शपथ आयुक्त
एस.के. शुक्ला
बिलासपुर (छ.ग.)
बिलासपुर तहसील कोर्ट

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WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF MANDAMUS PROHIBITION AND OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERS:

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HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION NO.90 OF 2003

Krishna Kumar Sharma and others

versus

State of Chhattisgarh and others

ORDER

Post for 8th -12-2006

Sd/-
Satish K. Agnihotri
Judge

HIGH COURT OF CHHATTISGARH AT BILASPUR

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SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION NO.90 OF 2003

Petitioners	:	Krishna Kumar Sharma and others
	versus	
Respondents	:	State of Chhattisgarh and others

Present : Mr. Ashish Shrivastava, counsel for the petitioners.
Mr. Sushil Dubey, Government Advocate for respondent No.1.
Mr. Sourabh Dangi, counsel for respondents No.2 to 4.

ORDER

(Passed on 8th Day of December, 2006)

The petitioners were appointed as Assistant Sub-Inspector (Nakedar) in respondent No.4 – Mandi Samiti on daily wages basis. Services of the petitioners were discontinued by order dated 10-7-2000 (Annexure P-2) on the ground that their appointment was not made in accordance with law.

2. Being aggrieved, the petitioners filed a writ petition, being Writ Petition No.4921 of 2000, in the High Court of Judicature at Jabalpur (Madhya Pradesh). The High Court, by order dated 28-8-2000 (Annexure P-3), dismissed the petition to seek remedy in accordance with law. In the meantime, respondent No.4 – Mandi Samiti sent a

letter dated 17-2-2001 (Annexure P-4) to respondent No.2 seeking sanction for appointment of five employees. Again by resolution dated 3-3-2001 (Annexure P-5), respondent No.4 – Mandi Samiti decided in its general body meeting to make a request to the senior authorities to permit respondent No.4 – Mandi Samiti to appoint daily wager employees. By a letter dated March, 2001 (Annexure P-6), the Chairman of respondent No.4 – Mandi Samiti requested to respondent No.2 to take back the daily wager employees, whose services were discontinued in July, 2000 against the sanctioned posts.

3. Be that as it may, the petitioners were admittedly appointed as daily wager employees and against termination of their services they had moved the High Court of Judicature at Jabalpur (Madhya Pradesh) in Writ Petition No.4921 of 2000. The High Court, after considering their cases on merit, dismissed the petition granting liberty to seek remedy in accordance with law. Admittedly, respondent No.4 – Mandi Samiti has written to the higher authorities for reappointing the petitioners, as their services were required in respondent No.4 – Mandi Samiti.

4. In view of the settled principle of law that daily rated workers appointed dehors the constitutional scheme and not in accordance with law have no right to the post, this Court cannot direct the respondents to reappoint the petitioners as daily wager employees. However, in the facts of the case, the respondents – authorities are at liberty to consider recommendations made by respondent No.4 – Mandi Samiti for appointment.

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5. With the above-stated observations, this petition stands dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal